

REMARKS/ARGUMENTS

Applicant thanks the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office Action, and amended as necessary to more clearly and particularly describe the subject matter that Applicant regards as the invention. Applicant respectfully submits that the present application is in a condition for allowance in view of the following remarks.

Applicant notes, with appreciation, the identification of claims 21-23 as allowable if rewritten in independent form to include all limitations of the base claim and any intervening claims. To this end, applicants have rewritten claims 21-23 as new claims 30-32, respectively, including all the underlying limitations of the base claim and any intervening claims from which they originally depended.

Further, independent claim 19 has been amended, and in view of the remarks below Applicant respectfully submits that claim 19 is now allowable as well.

Claim Rejections – 35 U.S.C. § 102(b)

Claims 19, 20, 24-26, 28 and 29 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,550,516 to Burns *et al.* (hereinafter “Burns”). However, Applicant respectfully submits that Burns fails to teach every feature of the invention claimed in amended claim 19.


More specifically with regard to amended claim 19, Burns fails to teach or disclose that “a voltage is applied across the microvibrator to control a potential of the microvibrator.” In contrast, the microvibrator beam 144 in Burns cited in the Office action is a cantilever that is anchored at one end to what appears to be a ground reference. The cantilevered microvibrator beam 144 is not electrically connected to a voltage source in the embodiments in Burns cited in the Office action, or in the other embodiments disclosed in Burns. Thus, the Burns fails to teach, suggest or otherwise make predictable “a microvibrator that is adapted to resonate with an input signal, wherein a voltage is applied across the microvibrator to control a potential of the microvibrator” as claimed in amended claim 19.

For at least the above reason Burns fails to teach every limitation found in amended claim 19 as required to maintain a rejection of that claim under 35 U.S.C. §102(b). Further, since claims 20-29 depend from claim 19, those claims are also not anticipated by Burns for purposes of 35 U.S.C. §102(b) for the limitations therein and for the limitations of the claims from which they depend.

In light of the foregoing, it is respectfully submitted that the present application is in condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. NGB-41324.

Respectfully submitted,
PEARNE & GORDON, LLP

By: 
Donald J. Firca, Jr. – Reg. No. 48,140

1801 East 9th Street
Suite 1200
Cleveland, Ohio 44114-3108
(216) 579-1700

Date: October 2, 2008